



Docket No.: 511582002800  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Arthur B. RAITANO et al.

Application No.: 09/942,052

Filed: August 28, 2001

Art Unit: 1642

For: NUCLEIC ACID AND CORRESPONDING  
PROTEIN ENTITLED 85P1B3 USEFUL IN  
TREATMENT AND DETECTION OF  
CANCER

Examiner: D. J. Blanchard

**DECLARATION OF ARTHUR B. RAITANO, MARY FARIS, RENE S. HUBERT, DANIEL  
E.H. AFAR, WANGMO GE, PIA CHALLITA-EID, AND AYA JAKOBOVITS  
UNDER 37 C.F.R. § 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We, the undersigned, declare as follows:

1. We are coinventors of claims 88-98, currently pending in the above-referenced application. The claims relate to an antibody or fragment thereof that specifically binds to a protein having at least 90% homology to SEQ ID NO: 728.

2. The Office rejected claims 88-95 and 97-98 as allegedly being anticipated by WO 01/53312 A1, which was filed on 26 December 2000. This PCT application claims priority to the following applications: 09/488,725 (filed 21 JAN 2000), 09/552,317 (filed 25 APR 2000),

09/598,042 (filed 9 JULY 2000), 09/620,312 (filed 19 JULY 2000), 09/653,450 (filed 3 AUG 2000), 09/662,191 (filed 14 SEPT 2000), 09/693,036 (filed 19 OCT 2000), and 09/727,344 (filed 29 NOV 2000). Application nos. 09/662,191, 09/693,036, 09/727,344 and the PCT application itself were all filed after the earliest priority date claimed by the above-referenced application.

3. The cited reference WO 01/53312 A1 discloses sequence 3368 which is identical to SEQ ID NO: 728 and sequence 6940 which contains the amino acid sequence of SEQ ID NO: 728 in addition to several other amino acid residues at the amino and carboxy terminal ends of the sequence.

4. The earliest application to disclose either SEQ ID NO: 3368 or SEQ ID NO: 6940 was 09/598,042.

5. We reduced the claimed invention to practice in the United States prior to the filing date of the 09/598,042 (9 JULY 2000). Thus, the invention of the pending claims was reduced to practice in the United States prior to 9 JULY 2000, the earliest priority date available to the cited document.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed at FREMONT, CA, on November 2004.  
(city) (state) (day)

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Arthur B. Raitano

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Mary Faris

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Rene S. Hubert



Daniel E.H. Afar

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Wangmao Ge

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December 13, 2004

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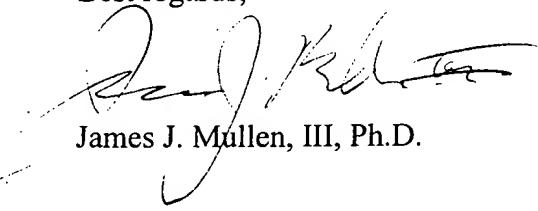
Re: U.S. Patent Application Serial No. 09/942,052  
For: NUCLEIC ACID AND CORRESPONDING PROTEIN ENTITLED  
85P1B3 USEFUL IN TREATMENT AND DETECTION OF CANCER  
By: Arthur B. RAITANO et al.  
Our Reference: 51158-20028.00

Dear Dr. Faris:

Enclosed is a Declaration under 37 C.F.R. § 1.131 in connection with the above-identified application. Also enclosed are the claims as originally filed and the current pending claims. Please review the Declaration and sign where indicated and return it to us in the enclosed return UPS envelope.

We appreciate your assistance with this. If you have any questions or comments, please do not hesitate to contact us.

Best regards,

  
James J. Mullen, III, Ph.D.

JJM/rlm  
Enclosure

sd-234860



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Arthur B. RAITANO et al.

Application No.: 09/942,052

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Executed at \_\_\_\_\_, \_\_\_\_\_, on \_\_\_\_\_ November 2004.  
(city) (state) (day)

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Arthur B. Raitano

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Mary Faris

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Rene S. Hubert

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Wangmao Ge

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Aya Jakobovits

**NUCLEIC ACID AND CORRESPONDING PROTEIN ENTITLED 85P1B3  
USEFUL IN TREATMENT AND DETECTION OF CANCER**

By Arthur B. RAITANO et al.  
U.S. Serial No. 09/942,052  
MoFo Ref. 51158-20028.00

Claims as filed

1. (original): A method for monitoring 85P1B3 gene products in a biological sample from a patient who has or who is suspected of having cancer, the method comprising:

    determining the status of 85P1B3 gene products expressed by cells in a tissue sample from an individual;

    comparing the status so determined to the status of 85P1B3 gene products in a corresponding normal sample; and,

    identifying the presence of aberrant 85P1B3 gene products in the sample relative to the normal sample.

2. (original): A method of monitoring the presence of cancer in an individual comprising: performing the method of claim 1 whereby the presence of elevated 85P1B3 mRNA or protein expression in the test sample relative to the normal tissue sample indicates the presence or status of a cancer.

3. (original): The method of claim 2, wherein the cancer occurs in a tissue set forth in Table I.

4. (original): A composition comprising:

    a substance that modulates the status of 85P1B3, or a molecule that is modulated by 85P1B3 whereby the status of a cell that expresses 85P1B3 is modulated.

5. (original): The composition of claim 4, further comprising a pharmaceutically acceptable carrier.

6. (original): A pharmaceutical composition that comprises the composition of claim 4 in a human unit dose form.

7. (original): A composition of claim 4 wherein the substance comprises a 85P1B3-related protein.

8. (original): The composition of claim 7, further comprising antigen presenting cells.

9. (previously presented): The composition of claim 7 comprising an analog peptide of eight, nine ten or eleven contiguous amino acids of Figure 2 (piece of SEQ ID NO:728)

10. (previously presented): A composition of claim 7 comprising a CTL polypeptide epitope from Figure 2 (piece of SEQ ID NO:728).

11. (original): The composition of claim 10, wherein the CTL epitope comprises a polypeptide selected from Tables V-XVIII.

12. (previously presented): A composition comprising a peptide region of at least 5 amino acids of Figure 2 (piece of SEQ ID NO:728) in any whole number increment up to 229 that includes an amino acid position selected from: an amino acid position having a value greater than 0.5 in the Hydrophilicity profile of Figure 5, an amino acid position having a value less than 0.5 in the Hydropathicity profile of Figure 6; an amino acid position having a value greater than 0.5 in the Percent Accessible Residues profile of Figure 7; an amino acid position having a value greater than 0.5 in the Average Flexibility profile on Figure 8; or an amino acid position having a value greater than 0.5 in the Beta-turn profile of Figure 9.

13. (original): A polynucleotide that encodes an analog peptide of claim 9.

14. (original): A composition of claim 4 wherein the substance comprises an antibody or fragment thereof that specifically binds to a 85P1B3-related protein.

15. (original): The antibody or fragment thereof of claim 14, which is monoclonal.

16. (original): A recombinant protein comprising the antigen-binding region of a monoclonal antibody of claim 15.

17. (original): The antibody or fragment thereof of claim 14, which is labeled with a detectable marker.

18. (original): The recombinant protein of claim 16, which is labeled with a detectable marker.

19. (original): The antibody fragment of an antibody of claim 14, which is an Fab, F(ab')2, Fv or sFv fragment.

20. (original): The antibody of claim 14, which is a human antibody.

21. (original): The recombinant protein of claim 16, which comprises murine antigen binding region residues and human constant region residues.

22. (original): A non-human transgenic animal that produces an antibody of claim 14.

23. (original): A hybridoma that produces an antibody of claim 15.

24. (original): A single chain monoclonal antibody that comprises the variable domains of the heavy and light chains of a monoclonal antibody of claim 15.

25. (original): A vector comprising a polynucleotide that encodes a single chain monoclonal antibody of claim 24 that immunospecifically binds to a 85P1B3-related protein.

26. (original): A method of delivering a cytotoxic agent to a cell that expresses 85P1B3, said method comprising:

    providing a cytotoxic agent conjugated to an antibody or fragment thereof of claim 14; and,  
    exposing the cell to the antibody-agent conjugate.

27. (original): A composition of claim 4 wherein the substance comprises a polynucleotide that encodes a single chain monoclonal antibody that immunospecifically binds to an 85P1B3-related protein.

28. (original): A composition of claim 4 wherein the substance comprises a polynucleotide that comprises an 85P1B3-related protein coding sequence.

29. (previously presented): A composition of claim 28 comprising a polynucleotide from position number 13 through number 702 of Figure 2 (piece of SEQ ID NO:727).

30. (original): The composition of claim 29, wherein T is substituted with U.

31. (previously presented): A composition of claim 28 comprising a polynucleotide of Figure 2 (piece of SEQ ID NO:727) in a human unit dose form.

32. (original): The composition of claim 31, wherein T is substituted with U.

33. (previously presented): A composition claim 28 comprising a polynucleotide that encodes an 85P1B3-related protein that is at least 90% homologous to the entire amino acid sequence shown in Figure 2 (SEQ ID NO:727).

34. (previously presented): The composition of claim 33, wherein the polynucleotide encodes an 85P1B3-related protein that is at least 90% identical to the entire amino acid sequence shown in Figure 2 (SEQ ID NO:727).

35. (original): A composition of claim 28 comprising a polynucleotide that encodes at least one peptide set forth in Tables V-XVIII.

36. (previously presented): A composition of claim 28 comprising a polynucleotide that encodes a peptide region of at least 5 amino acids of Figure 2 (piece of SEQ ID NO:727) in any whole number increment up to 299 that includes an amino acid position selected from: an amino acid position having a value greater than 0.5 in the Hydrophilicity profile of Figure 5, an amino acid position having a value less than 0.5 in the Hydropathicity profile of Figure 6; an amino acid position having a value greater than 0.5 in the Percent Accessible Residues profile of Figure 7; an amino acid position having a value greater than 0.5 in the Average Flexibility profile on Figure 8; or an amino acid position having a value greater than 0.5 in the Beta-turn profile of Figure 9.

37. (original): A composition comprising a polynucleotide that is fully complementary to a polynucleotide of claim 29.

38. (original): A composition comprising a polynucleotide that is fully complementary to a polynucleotide of claim 30.

39. (original): A composition comprising a polynucleotide that is fully complementary to a polynucleotide of claim 31, in human unit dose form.

40. (original): A composition comprising a polynucleotide that is fully complementary to a polynucleotide of claim 32.

41. (original): A composition comprising a polynucleotide that is fully complementary to a polynucleotide of claim 33.

42. (original): A composition comprising a polynucleotide that is fully complementary to a polynucleotide of claim 34.

43. (original): A composition comprising a polynucleotide that is fully complementary to a polynucleotide of claim 35.

44. (original): A pharmaceutical composition of claim 4 wherein the substance comprises a ribozyme that cleaves a polynucleotide having 85P1B3 coding sequence and a physiologically acceptable carrier.

45. (original): A pharmaceutical composition of claim 4 wherein the substance comprises human T cells, wherein said T cells specifically recognize an 85P1B3 peptide sequence in the context of a particular HLA molecule.

46. (original): A method of inhibiting growth of cancer cells that expresses 85P1B3, the method comprising:  
administering to the cells the composition of claim 4.

47. (original): A method of claim 46 of inhibiting growth of cancer cells that express 85P1B3, the method comprising steps of:  
administering to said cells an 85P1B3-related protein.

48. (original): A method of claim 46 of inhibiting growth of cancer cells that express 85P1B3, the method comprising steps of:

administering to said cells an antibody or fragment thereof that specifically binds to a 85P1B3-related protein.

49. (original): A method of claim 46 of inhibiting growth of cancer cells that express 85P1B3, the method comprising steps of:

administering to said cells a vector that encodes a single chain monoclonal antibody that immunospecifically binds to an 85P1B3-related protein.

50. (original): A method of claim 46 of inhibiting growth of cancer cells that express 85P1B3, the method comprising steps of:

administering to said cells a vector that comprises a polynucleotide comprising a 85P1B3-related protein coding sequence.

51. (original): A method of claim 46 of inhibiting growth of cancer cells that express 85P1B3, the method comprising steps of:

administering to said cells an antisense polynucleotide complementary to a polynucleotide having a 85P1B3 coding sequence.

52. (original): A method of claim 46 of inhibiting growth of cancer cells that express 85P1B3, the method comprising steps of:

administering to said cells a ribozyme that cleaves a polynucleotide having 85P1B3 coding sequence.

53. (original): A method of claim 46 of inhibiting growth of cancer cells that express 85P1B3 and a particular HLA molecule, the method comprising steps of:

administering to said cells human T cells, wherein said T cells specifically recognize an 85P1B3 peptide sequence in the context of the particular HLA molecule.

54. (original): A method of treating a patient who bears cancer cells that expresses 85P1B3, the method comprising:

administering to the patient the composition of claim 4.

55. (original): A method of claim 54 for treating a patient who bears cancer cells that expresses 85P1B3, the method comprising steps of:  
administering to said patient an 85P1B3-related protein.

56. (original): A method of claim 54 for treating a patient who bears cancer cells that expresses 85P1B3, the method comprising steps of:  
administering to said patients an antibody or fragment thereof that specifically binds to a 85P1B3-related protein.

57. (original): A method of claim 54 for treating a patient who bears cancer cells that expresses 85P1B3, the method comprising steps of:  
administering to said patient a vector that encodes a single chain monoclonal antibody that immunospecifically binds to an 85P1B3-related protein.

58. (original): A method of claim 57 for treating a patient with a cancer that expresses 85P1B3, the method comprising steps of:

administering to said patient a vector to cancer cells that express 85P1B3, whereby the vector delivers the single chain monoclonal antibody coding sequence to the cancer cells and the encoded single chain antibody is expressed intracellularly therein.

59. (original): A method of claim 54 for treating a patient who bears cancer cells that expresses 85P1B3, the method comprising steps of:

administering to said patient a vector that comprises a polynucleotide comprising a 85P1B3-related protein coding sequence.

60. (original): A method of claim 54 for treating a patient who bears cancer cells that expresses 85P1B3, the method comprising steps of:

administering to said patient an antisense polynucleotide complementary to a polynucleotide having a 85P1B3 coding sequence.

61. (original): A method of claim 54 for treating a patient who bears cancer cells that expresses 85P1B3, the method comprising steps of:

administering to said patient a ribozyme that cleaves a polynucleotide having an 85P1B3 coding sequence.

62. (original): A method of claim 54 for treating a patient who bears cancer cells that expresses 85P1B3, the method comprising steps of:

administering to said patient human T cells, wherein said T cells specifically recognize an 85P1B3 peptide sequence in the context of the particular HLA molecule.

63. (original): A method of generating a mammalian immune response directed to 85P1B3, the method comprising:

exposing cells of the mammal's immune system to an immunogenic portion of an 85P1B3-related protein or a nucleotide sequence that encodes said protein, whereby an immune response is generated to 85P1B3.

64. (original): A method of inducing an immune response of claim 63, said method comprising:

providing a 85P1B3-related protein that comprises at least one T cell or at least one B cell epitope;

contacting the epitope with a mammalian immune system T cell or B cell respectively, whereby the T cell or B cell is induced.

65. (original): The method of claim 64, wherein the immune system cell is a B cell, whereby the induced B cell generates antibodies that specifically bind to the 85P1B3-related protein.

66. (original): The method of claim 64, wherein the immune system cell is a T cell that is a cytotoxic T cell (CTL), whereby the activated CTL kills an autologous cell that expresses the 85P1B3 protein.

67. (original): The method of claim 64, wherein the immune system cell is a T cell that is a helper T cell (HTL), whereby the activated HTL secretes cytokines that facilitate the cytotoxic activity of a CTL or the antibody producing activity of a B cell.

68. (original): An assay for detecting the presence of a 85P1B3-related protein or polynucleotide in a biological sample from a patient who has or who is suspected of having cancer, comprising steps of:

contacting the sample a substance of claim 4 that specifically binds to the 85P1B3-related protein or polynucleotide, respectively; and,  
determining that there is a complex of the substance and 85P1B3-related protein or the substance and 85P1B3-related polynucleotide, respectively.

69. (original): An assay of claim 68 for detecting the presence of a 85P1B3-related protein in a biological sample from a patient who has or who is suspected of having cancer, comprising steps of:

contacting the sample with an antibody that specifically binds to the 85P1B3-related protein; and,  
determining that there is a complex of the antibody and 85P1B3-related protein.

70. (original): The assay in accordance with claim 68 further comprising the step of:

obtaining a sample from a patient who has or who is suspected of having cancer.

71. (previously presented): The assay of claim 68 for detecting the presence of an 85P1B3 polynucleotide in a biological sample comprising:

contacting the sample with a polynucleotide probe that specifically hybridizes to a polynucleotide encoding an 85P1B3-related protein having the amino acid sequence of Figure 2 (SEQ ID NO:728); and,

detecting the presence of a hybridization complex formed by the hybridization of the probe with 85P1B3 polynucleotide in the sample, wherein the presence of the

hybridization complex indicates the presence of 85P1B3 polynucleotide within the sample.

72. (original): An assay in accordance with claim 68 for detecting the presence of 85P1B3 mRNA in a biological sample from a patient who has or who is suspected of having cancer, said method comprising:

- (a) producing cDNA from the sample by reverse transcription using at least one primer;
- (b) amplifying the cDNA so produced using 85P1B3 polynucleotides as sense and antisense primers, wherein the 85P1B3 polynucleotides used as the sense and antisense primers are capable of amplifying 85P1B3 cDNA; and
- (c) detecting the presence of the amplified 85P1B3 cDNA.

Current Pending Claims

Claim 88. (new) An antibody or fragment thereof that specifically binds to a protein having at least 90% homology to SEQ ID NO: 728.

Claim 89. (new) The antibody or fragment thereof of claim 88, wherein the antibody or fragment thereof is a monoclonal antibody.

Claim 90. (new) The antibody or fragment thereof of claim 89, wherein the antibody is a human antibody, a humanized antibody or a chimeric antibody.

Claim 91. (new) The antibody or fragment thereof of claim 88, wherein the fragment is an Fab, F(ab')2, Fv or sFv fragment.

Claim 92. (new) The antibody or fragment thereof of claim 88, wherein the antibody or fragment thereof is conjugated to an agent.

Claim 93. (new) The antibody or fragment thereof of claim 92, wherein the agent is a diagnostic agent or a cytotoxic agent.

Claim 94. (new) The antibody or fragment thereof of claim 93, wherein the cytotoxic agent is selected from the group consisting of radioactive isotopes, chemotherapeutic agents and toxins.

Claim 95. (new) The antibody or fragment thereof of claim 94, wherein the radioactive isotope is selected from the group consisting of  $^{211}\text{At}$ ,  $^{131}\text{I}$ ,  $^{125}\text{I}$ ,  $^{90}\text{Y}$ ,  $^{186}\text{Re}$ ,  $^{188}\text{Re}$ ,  $^{153}\text{Sm}$ ,  $^{212}\text{Bi}$ ,  $^{32}\text{P}$  and radioactive isotopes of Lu.

Claim 96. (new) The antibody or fragment thereof of claim 94, wherein the chemotherapeutic agent is selected from the group consisting of taxol, actinomycin, mitomycin, etoposide, tenoposide, vincristine, vinblastine, colchicine, gelonin, and calicheamicin.

Claim 97. (new) The antibody or fragment thereof of claim 94, wherein the toxin is selected from the group consisting of diphtheria toxin, enomycin, phenomycin, *Pseudomonas* exotoxin (PE) A, PE40, abrin, abrin A chain, mitogellin, modeccin A chain, and alpha-sarcin.

Claim 98. (new) The antibody or fragment thereof of claim 88, wherein the antibody or fragment thereof further comprises a pharmaceutically acceptable carrier.

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**Package Progress:**

Date/ Time	Location	Activity
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7:30 A.M.	LOS ANGELES, CA, US	OUT FOR DELIVERY
5:30 A.M.	LOS ANGELES, CA, US	ARRIVAL SCAN
5:02 A.M.	VERNON, CA, US	DEPARTURE SCAN
12:15 A.M.	VERNON, CA, US	ARRIVAL SCAN
Dec 13, 2004 10:12 P.M.	SAN DIEGO, CA, US	DEPARTURE SCAN
8:02 P.M.	US	BILLING INFORMATI <sup>K</sup>
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**McElroy, Rebecca L.**

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**From:** McElroy, Rebecca L.  
**Sent:** Friday, March 11, 2005 4:53 PM  
**To:** 'mfarisv@yahoo.com'  
**Cc:** Mullen, James J.  
**Subject:** FW: Morrison & Foerster Reference: 51158-20028.00

Dear Dr. Faris,

Please see the below email sent to you on March 3, 2005 enclosing a Declaration for your signature. We have tried multiple attempts to contact you regarding this - please contact our office at the number below at your earliest convenience. We will be more than happy to send you another copy via certified mail or Federal-Express.

Jim Mullen will be contacting you within the next week to make arrangements.

Best regards,

**Rebecca L. McElroy**

Legal Secretary to  
Kate H. Murashige  
Morrison & Foerster LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130  
Direct Dial: (858) 720-5101

-----Original Message-----

**From:** McElroy, Rebecca L.  
**Sent:** Thursday, March 03, 2005 3:17 PM  
**To:** 'mfarisv@yahoo.com'  
**Cc:** Mullen, James J.  
**Subject:** Morrison & Foerster Reference: 51158-20028.00

U.S. Patent Application Serial No. 09/942,052

For: NUCLEIC ACID AND CORRESPONDING PROTEIN ENTITLED 85P1B3 USEFUL IN  
TREATMENT AND DETECTION OF CANCER

By: Arthur B. RAITANO et al.

Our Reference: 51158-20028.00

Please see the attached correspondence, Declaration and enclosures in connection with the above-identified application. After you sign the Declaration, please return it to our office at your earliest convenience.

Kindly confirm receipt of this email by return reply. Many thanks.



Documents.pdf  
(507 KB)

Best regards,

**Rebecca L. McElroy**

**for James J. Mullen, III**

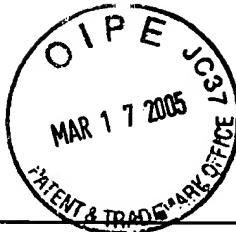
Morrison & Foerster LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130



UNITED STATES  
PATENT AND  
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APRIL 04, 2002

PTAS

Chief Information Officer  
Washington, DC 20231  
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MORRISON & FOERSTER LLP  
ROBERT K. CERPA / *KHM*  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024



\*101976921A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/18/2002

REEL/FRAME: 012548/0062  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS)

ASSIGNOR: RAITANO, ARTHUR B. DOC. DATE: 11/28/2001

ASSIGNOR: FARTS MARY DOC. DATE: 12/03/2001

ASSIGNOR: HUBERT, RENE S. REC'D. DATE: 12/08/2001

ASSIGNOR: AFAR, DANIEL  
DOC. DATE: 12/01/2001

ASSIGNOR: CE WANGMAO DCC DATE: 11/28/2001

ASSIGNOR: CHALITA, EID, BIA, M. DOG DATE: 11/20/2021

ASSIGNOR: INKOBROVITS, NYA REC'D DATE: 11/05/2001

* NO Certification Required *
Reviewed by Decketing
Initials <u>AXL</u>

**RECEIVED**

APR 11 2002

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APR 09 2002

MORRISON & FOERSTER LLP  
LOS ANGELES

ASSIGNEE:

AGENSY, INC.  
1545 17TH STREET  
SANTA MONICA, CALIFORNIA 90404

SERIAL NUMBER: 09942052  
PATENT NUMBER:

FILING DATE: 08/28/2001  
ISSUE DATE:

JEEVON JONES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

02-08-2002

U.S. DEPARTMENT OF COMMERCE



## VER SHEET

Patent and Trademark Office  
Docket No. 511582002800

101976921

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

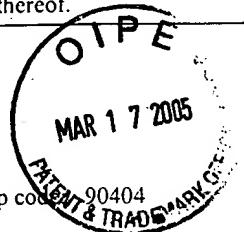
1. Name of conveying party(ies): Arthur B. RAITANO;  
Mary FARIS; Rene S. HUBERT; Daniel AFAR; Wangmao GE;  
Pia M. CHALLITA-EID; and Aya JAKOBOVITS

Individual(s)  Association  
 General Partnership  Limited Partnership  
 Corporation-State  Other

1-18-02  
Additional name(s) of conveying party(ies) attached?  Yes  No

2. Name and address of receiving party(ies):

Name: AGENSYS, INC.  
Internal Address:  
Street Address: 1545 17th Street  
City: Santa Monica State: CA Zip code: 90404

Additional name(s) & address(es) attached?  Yes  No

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other

Execution Date: November 27, 2001, November 28, 2001, November 29, 2001, December 1, 2001, December 3, 2001, and December 8, 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 1A. Patent Application No.(s) 09/942,052 (filed 08/28/2001) B. Patent No.(s)Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Robert K. Cerpa  
Morrison & Foerster LLP  
555 West Fifth Street  
Suite 3500  
Los Angeles, California 90013-1024

6. Total number of applications and patents involved: 1

7. Total fee (37 C.F.R. § 3.41): \$40.00

Enclosed  
 Authorized to be charged to deposit account, referencing Attorney Docket 51158-20028.00

8. Deposit account number: 03-1952

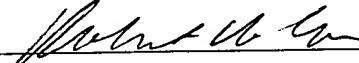
The Commissioner is hereby authorized to charge any fees under 37 C.F.R. § 1.21 that may be required by this paper, or to credit any overpayment to Deposit Account No. 03-1952.

## DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Name: Robert K. Cerpa  
Registration No: 39,933

  
Signature

December 18, 2001  
Date

Total number of pages comprising cover sheet, attachments and document: 5

Mail documents to be recorded with required cover sheet information to:

U.S. Patent and Trademark Office  
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Box Assignments  
Crystal Gateway 4, Room 335  
Washington, D.C. 20231

02/07/2002 6TON11 00000228 031952 09942052  
01 FC:581 40.00 CH

la-538684

**ASSIGNMENT  
JOINT**

THIS ASSIGNMENT, by Arthur B. RAITANO; Mary FARIS; Rene S. HUBERT; Daniel AFAR; Wangmao GE; Pia M. CHALLITA-EID; and Aya JAKOBOVITS (hereinafter referred to as the assignors), residing at 10807 Cushdon Avenue, Los Angeles, CA 90064 US; 2538 Almaden Court, Los Angeles, CA 90077 US; 1644 No. Occidental Blvd., Los Angeles, CA 90026 US; 435 Visitacion Ave., Brisbane, CA 94005 US; 4838 Hollow Corner Road, Apt. #314, Culver City, CA 90230 US; 15745 Morrison Street, Encino, CA 91436 US; and 3135 Hutton Drive, Beverly Hills, CA 90210 US, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in NUCLEIC ACID AND CORRESPONDING PROTEIN ENTITLED 85P1B3 USEFUL IN TREATMENT AND DETECTION OF CANCER, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/942,052 and filed on August 28, 2001; and

WHEREAS, AGENSYS, INC., a corporation duly organized under and pursuant to the laws of the State of California, US and having its principal place of business at 1545 17th Street, Santa Monica, CA 90404 US (hereinafter referred to as the assignee\*) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee\*, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee\*, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

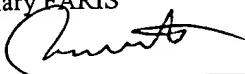
AND for the same consideration, said assignors hereby covenant and agree to and with said assignee\* its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee\*, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee\*, its successors, legal representatives and assigns, but at the cost and expense of said assignee\*, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee\* as the assignee\* of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee\*, its successors, legal representatives and assigns.

<u>11-28-01</u> Date	<u>Arthur B. Raitano</u> Arthur B. RAITANO
<u>12-3-01</u> Date	<u>M. Faris</u> Mary FARIS
Date	Rene S. HUBERT
Date	Daniel AFAR
<u>11/29/01</u> Date	<u>Wangmao Se</u> Wangmao SE
<u>11/29/01</u> Date	<u>Pia Challita-Eid</u> Pia M. CHALLITA-EID
<u>11/27/01</u> Date	<u>Aya Jakobovits</u> Aya JAKOBOVITS

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee\* as the assignee\* of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee\*, its successors, legal representatives and assigns.

Date	Arthur B. RAITANO
Date	Mary EARIS 
Date	Rene S. HUBERT
Date	Daniel AFAR
Date	Wangmao GE
Date	Pia M. CHALLITA-EID
Date	Aya JAKOBOVITS

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee\* as the assignee\* of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee\*, its successors, legal representatives and assigns.

Date	Arthur B. RAITANO
Date	Mary FARIS
Date	Rene S. HUBERT
<u>Dec 1, 2001</u>	
Date	Daniel AFAR
Date	Wangmao GE
Date	Pia M. CHALLITA-EID
Date	Aya JAKOBOVITS

**COPY**

PATENT  
Docket No. 511582002800

DECLARATION FOR UTILITY PATENT APPLICATION



AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **NUCLEIC ACID AND CORRESPONDING PROTEIN ENTITLED 85P1B3 USEFUL IN TREATMENT AND DETECTION OF CANCER**, the specification of which is attached hereto unless the following box is checked:

was filed on August 28, 2001 as United States Application Serial No. or PCT International Application No. 09/942,052 and was amended on \* (if applicable).

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
*			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/228,432	August 28, 2000

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to

patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
*		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Lisa A. Amii (Reg No. 48,199)	Randolph Ted Apple (Reg No. 36,429)
Mehran Arjomand (Reg No. 48,231)	Laurie A. Axford (Reg No. 35,053)
Sanjay S. Bagade (Reg No. 42,280)	Erwin J. Basinski (Reg No. 34,773)
Shantanu Basu (Reg No. 43,318)	Richard R. Batt (Reg No. 43,485)
Vincent J. Belusko (Reg No. 30,820)	Jonathan Bockman (Reg No. 45,640)
Kimberly A. Bolin (Reg No. 44,546)	Barry E. Bretschneider (Reg No. 28,055)
Tyler S. Brown (Reg No. 36,465)	Nicholas Buffinger (Reg No. 39,124)
A. Randall Camacho (Reg No. 46,595)	Mark R. Carter (Reg No. 39,131)
Robert K. Cerpa (Reg No. 39,933)	Peng Chen (Reg No. 43,543)
Alex Chartove (Reg No. 31,942)	Thomas Chuang (Reg No. 44,616)
Thomas E. Ciotti (Reg No. 21,013)	Cara M. Coburn (Reg No. 46,631)
Matthew M. D'Amore (Reg No. 42,457)	Raj S. Davé (Reg No. 42,465)
Peter Davis (Reg No. 36,119)	Karen B. Dow (Reg No. 29,684)
Stephen C. Durant (Reg No. 31,506)	Carolyn A. Favorito (Reg No. 39,183)
David L. Fehrman (Reg No. 28,600)	Hector Gallegos (Reg No. 40,614)
Thomas George (Reg No. 45,740)	Debra J. Glaister (Reg No. 33,888)
Kenneth R. Glick (Reg No. 28,612)	Bruce D. Grant (Reg No. 47,608)
Johnney U. Han (Reg No. 45,565)	Douglas G. Hodder (Reg No. 41,840)
Alan S. Hodes (Reg No. 38,185)	Charles D. Holland (Reg No. 35,196)
Kelvan P. Howard (Reg No. P48,999)	Peter Hsieh (Reg No. 44,780)
Jill A. Jacobson (Reg No. 40,030)	Wayne Jaeschke, Jr. (Reg No. 38,503)
Madeline I. Johnston (Reg No. 36,174)	Parisa Jorjani (Reg No. 46,813)
Ararat Kapouytian (Reg No. 40,044)	Richard C. Kim (Reg No. 40,046)
Cameron A. King (Reg No. 41,897)	Lawrence B. Kong (Reg No. P49,043)
Kawai Lau (Reg No. 44,461)	Glenn Kubota (Reg No. 44,197)
Rimas T. Lukas (Reg No. 46,451)	Michael J. Mauriel (Reg No. 44,226)
Gladys H. Monroy (Reg No. 32,430)	Philip A. Morin (Reg No. P-45,926)
Kate H. Murashige (Reg No. 29,959)	Paul S. Naik (Reg No. P49,075)
Mabel Ng (Reg No. P48,922)	Martin M. Noonan (Reg No. 44,264)
Catherine M. Polizzi (Reg No. 40,130)	Phillip Reilly (Reg No. 41,415)
Robert E. Scheid (Reg. No. 42,126)	Debra A. Shetka (Reg No. 33,309)
Terri Shieh-Newton (Reg No. 47,081)	Rebecca Shortle (Reg No. 47,083)
Kevin R. Spivak (Reg No. 43,148)	Stanley H. Thompson (Reg No. 45,160)
Thomas L. Treffert (Reg No. P48,279)	Brenda J. Wallach (Reg No. 45,193)
Michael R. Ward (Reg No. 38,651)	E. Thomas Wheelock (Reg No. 28,825)
Todd W. Wight (Reg No. 45,218)	Frank Wu (Reg No. 41,386)
David T. Yang (Reg No. 44,415)	Peter J. Yim (Reg No. 44,417)

George C. Yu (Reg No. 44,418)

Karen R. Zachow (Reg No. 46,332)

and Timothy Lithgow, Reg. No. 36,856 with an address at 1545 17th Street, Santa Monica, CA 90404 US

and:

Please direct all communications to:

Robert K. Cerpa  
Morrison & Foerster LLP  
555 West Fifth Street  
Suite 3500  
Los Angeles, California 90013-1024

Please direct all telephone calls to Robert K. Cerpa at (213) 892-5615.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11-28-01

Arthur B. Raitano  
Name: Arthur B. Raitano  
Residence: 10807 Cushing Avenue, Los Angeles, CA 90064 US  
Citizenship: United States of America  
Post Office Address: Same as residence

Date

12-3-01

Mary Faris  
Name: Mary Faris  
Residence: 2538 Almaden Court, Los Angeles, CA 90077 US  
Citizenship: United States of America  
Post Office Address: Same as residence

Date

Name: Rene S. Hubert  
Residence: 1644 No. Occidental Blvd., Los Angeles, CA 90026 US  
Citizenship: Canada  
Post Office Address: Same as residence

George C. Yu (Reg No. 44,418)

Karen R. Zachow (Reg No. 46,332)

and Timothy Lithgow, Reg. No. 36,856 with an address at 1545 17th Street, Santa Monica, CA 90404 US

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Date Name: Arthur B. Raitano  
Residence: 10807 Cushdon Avenue, Los Angeles, CA 90064 US  
Citizenship: United States of America  
Post Office Address: Same as residence

<b>Date</b>	<b>Name:</b>	<b>Mary Faris</b>
	<b>Residence:</b>	<b>2538 Almaden Court, Los Angeles, CA 90077 US</b>
	<b>Citizenship:</b>	<b>United States of America</b>
	<b>Post Office Address:</b>	<b>Same as residence</b>

**Date** Name: **Rene S. Hubert**  
Residence: **1644 No. Occidental Blvd., Los Angeles, CA 90026 US**  
Citizenship: **Canada**  
Post Office Address: **Same as residence**

Dec 1, 2001

Dec 1, 2001



Name: Daniel Afar  
Residence: 435 Visitacion Ave., Brisbane, CA 94005 US  
Citizenship: Canada  
Post Office Address: Same as residence

---

Date

Name: Wangnao Ge  
Residence: 4838 Hollow Corner Road, Apt. #314, Culver City, CA 90230 US  
Citizenship: Peoples Republic of China  
Post Office Address: Same as residence

---

Date

Name: Pia M. Challita-Eid  
Residence: 15745 Morrison Street, Encino, CA 91436 US  
Citizenship: Lebanon  
Post Office Address: Same as residence

---

Date

Name: Aya Jakobovits  
Residence: 3135 Hutton Drive, Beverly Hills, CA 90210 US  
Citizenship: United States of America  
Post Office Address: Same as residence

Date

Name: Daniel Afar  
Residence: 435 Visitacion Ave., Brisbane, CA 94005 US  
Citizenship: Canada  
Post Office Address: Same as residence

11/29/01

Name: Wangmao Ge  
Residence: 4838 Hollow Corner Road, Apt. #314, Culver City, CA 90230 US  
Citizenship: Peoples Republic of China  
Post Office Address: Same as residence

Date

11/29/01

Name: Pia M. Challita-Eid  
Residence: 15745 Morrison Street, Encino, CA 91436 US  
Citizenship: Lebanon  
Post Office Address: Same as residence

Date

11/27/01

Name: Aya Jakobovits  
Residence: 3135 Hutton Drive, Beverly Hills, CA 90210 US  
Citizenship: United States of America  
Post Office Address: Same as residence